

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

JAMES EARL PRICE, # 11952

PLAINTIFF

V.

CIVIL ACTION NO. 2:09cv20-KS-MTP

**SUPERINTENDENT RONALD KING,
DR. RON WOODALL, MIKE HATTEN,
and APRIL MEGGS**

DEFENDANTS

ORDER

This matter is before the court upon the Motion for Default Judgment [18] filed by Plaintiff, based on Defendants Dr. Ron Woodall's and April Meggs' failure to answer the Complaint or otherwise appear in this action.¹ On March 30, 2009, this court entered an Order [9] directing the clerk to issue a summons to Defendants and directing the U.S. Marshal to serve the same. The Process Receipts and Returns filed on May 18, 2009 indicate that process was served on a "Danny Perry" at 506 S. President Street in Jackson, Mississippi. There is nothing of record establishing that Mr. Perry is authorized to accept service of process on behalf of Defendants.² Because it is unclear whether service of process was properly effected upon Danny Perry, the court will re-issue summonses for Dr. Woodall and April Meggs and shall direct the United States Marshal's service to serve them **at the address provided by the court below.**

IT IS, THEREFORE, ORDERED AND ADJUDGED that the United States District Clerk is hereby directed to re-issue summonses to the following Defendants:

Dr. Ron Woodall

¹ By separate Order [20] dated July 30, 2009, the court denied Plaintiff's motion.

² The Order [9] directing issuance and service of the summons and complaint provided the following address for both Defendants: South Mississippi Correctional Institution, 22689 Highway 63 North, Leakesville, MS 39451.

South Mississippi Correctional Institution
22689 Highway 63 North
Leakesville, MS 39451

April Meggs
South Mississippi Correctional Institution
22689 Highway 63 North
Leakesville, MS 39451

The Clerk is directed to attach a copy of this Order and the March 30, 2009 Order [9] to the Complaint [1], and the United States Marshal shall serve the same upon Defendants **at the above address** pursuant to 28 U.S.C. § 1915(d).

IT IS FURTHER ORDERED that Defendants shall file their answers or other responsive pleadings in this cause in accordance with the Federal Rules of Civil Procedure and the Local Rules of this Court.

It is Plaintiff's responsibility to prosecute this case. Failure to advise this Court of a change of address or failure to comply with any order of this Court will be deemed a purposeful delay and contumacious act by Plaintiff and may result in dismissal of this case.

SO ORDERED on this, the 30th day of July, 2009.

s/ Michael T. Parker

United States Magistrate Judge